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*Attorneys for the Federal Defendant
Secretary of U.S. Department of Housing and Urban Development*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RED ROCK FINANCIAL SERVICES,

Plaintiff,

v.

MICHAEL RUSSO, ADMINISTRATOR
OF THE ESTATE OF JOHN BATTISTA
RUSSO; EVA AIDA RUSSO, an
individual; THE SECRETARY OF
HOUSING AND URBAN
DEVELOPMENT; NATIONSTAR
MORTGAGE OBA MR. COOPER;
WELLS FARGO BANK; REPUBLIC
SERVICES, a Nevada corporation; and
DOES 1-100;

Defendants.

Case No.

Notice of Removal

The Secretary of the U.S. Department of Housing and Urban Development
("HUD") files this Notice of Removal of the above-captioned action to the United States
District Court for the District of Nevada. The grounds for removal are set forth below.

This action is being removed to the United States District Court pursuant to 28
U.S.C. § 1442(a)(1). That section provides, in pertinent part:

(a) A civil action or criminal prosecution commenced in a State court and that
is against or directed to any of the following may be removed by them to the

1 district court of the United States for the district and division embracing the
2 place wherein it is pending:

3 (1) The United States or any agency thereof or any officer (or any
4 person acting under that officer) of the United States or of any agency
5 thereof, in an official or individual capacity, for or relating to any act
6 under color of such office or on account of any right, title or authority
7 claimed under any Act of Congress for the apprehension or
8 punishment of criminals or the collection of the revenue.

9 Plaintiff has commenced this action “against” a federal agency or official within the
10 meaning of 28 U.S.C. § 1442(a)(1), as HUD is one of the executive departments of the
11 federal government. Plaintiff originally brought the instant action for interpleader in Nevada
12 state court under Nevada Rules of Civil Procedure Rule 22. A copy of the pleadings (in
13 chronological order) from the state district court are attached hereto as **Exhibit A**.

14 Federal subject matter jurisdiction in interpleader actions brought under Rule 22
15 (“rule interpleader”) must be based on the general jurisdiction statutes applicable to civil
16 actions in federal court. 7 Charles A. Wright, Arthur R. Miller, & Mary Kay Kane, Federal
17 Practice and Procedure § 1710 (3d ed. 2001). In the instant case, HUD asserts a claim to the
18 interpleader funds to satisfy a federal mortgage lien. Federal subject matter jurisdiction over
19 this interpleader action exists because 28 U.S.C. § 2410(a)(5) grants concurrent federal and
20 state court jurisdiction to any interpleader action with respect to property in which the
21 United States has a lien.

22 WHEREFORE, HUD gives notice that the above-captioned action has been
23 removed from the Eighth Judicial District Court, Clark County, Nevada to the United
24 States District Court for the District of Nevada.

25 Respectfully submitted this 24th day of August 2023.

26 JASON M. FRIERSON
27 United States Attorney

28 /s/ Patrick A. Rose

PATRICK A. ROSE
Assistant United States Attorney

Certificate of Service

I hereby certify that on August 24, 2023, I electronically filed and served the foregoing Notice of Removal with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system and via U.S. Mail to the address below.

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